IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL MISC APPLICATION NO.481 OF 2006

IN

CRIMINAL MISC. APPLICATION NO.1481 OF 2003

IN

CRIMINAL APPLICATION NO.2086 OF 1999

IN

CRIMINAL WRIT PETITION NO.245 OF 1993

Mr.Chandrakant B. Garware : Petitioner

versus

Mr.Anil Prabhakar Naik & ors. : Respondents.

Mr.Vinit Naik with Mr.Amit Karkhanis i/by M/s.Indian Law Alliance for the petitioner.

Mr.Rafiq Dada, Sr.Counsel, i/by Smt.Mona Nair for the respondents.

Mr.A.R.Patil, APP, for the State.

CORAM : D.G.DESHPANDE

DATED : JUNE 19, 2007.

P.C. [IN CHAMBER].

1. This is an application filed on behalf of Petitioner Chandrakant Garware. Heard learned advocate Mr.Naik for the petitioner and learned Sr.Counsel Mr.Rafiq Dada for Respondent Anil Naik. By this application the petitioner seeks review of my order dated 4th May 2006. The basic objection to this application by learned counsel Mr.Rafiq Dada is that this application was affirmed on 24th November 2006 and served upon him yesterday i.e. on 18th June 2007 only and moved before me today a week before I am going to retire. Any way the main crux of the matter, according to the learned advocate for Mr.Garware is that two letters, Exhibits K & M on page Nos.220 and 229, were not and could not be shown to me before I passed the impugned order and, therefore that is the discovery of new facts which entitles him to file this Misc.Application. I do not find any merit in this submission. The letters are of 1995 and 1997 respectively. This matter has been heard by me at length when the main order was passed and when the subsequent impugned order was passed. If Petitioner Garware had been diligent, he could have pointed out those letters to me. This is not a discovery of

new facts which can not be said to be not within the knowledge of petitioner Garware. There is no merit in this application. It is dismissed. It is clarified that dismissal of this application will not come in the way of petitioner Garware in pursuing his remedy before other forum, if permitted by law.

[D.G.DESHPANDE,J]